

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

FIDEL TRONCOSO, # 1145399	§	
	§	
v.	§	CIVIL ACTION NO. G-06-063
	§	
NATHANIEL QUARTERMAN,	§	
DIRECTOR, TDCJ-CID	§	

**REPORT AND RECOMMENDATION**

On October 26, 2006, the District Court entered an Order granting Petitioner's Motion to Stay and Abate his federal habeas petition, but expressly conditioning it upon Petitioner's compliance with a number of conditions set forth in the Order. Petitioner was cautioned by the Court that if he did not comply with the conditions that his federal petition would be dismissed.

This Court, having recently reviewed the docket in this case, finds that Petitioner has failed to comply with the District Court's first condition that required him to file a state court post-conviction writ within 60 days of the date of the District Court's October 26, 2006 Order and notify the Court that he had done so. Accordingly, unless the Petitioner can submit documentation which confirms that he has, in fact, complied with this condition by February 2, 2007, this Court **RECOMMENDS** that any stay be lifted and Petitioner's federal writ petition be **DISMISSED**.

The Clerk **SHALL** send copies of this Report and Recommendation to the Parties. The Parties **SHALL** have until **February 2, 2007**, in which to have written objections, filed pursuant to 28 U.S.C. § 636(b)(1)(C), **physically on file** in the Office of the Clerk. The Objections **SHALL** be electronically filed and/or mailed to the Clerk's Office at P.O. Drawer

2300, Galveston, Texas 77553. Any Objections filed **SHALL** be contained in a written document specifically entitled “Objections to the Report and Recommendation of the Magistrate Judge”, which will then be forwarded to the District Judge for consideration. Failure to file written objections within the prescribed time **SHALL** bar the aggrieved party from attacking on appeal the factual findings and legal conclusions accepted by the District Judge, except upon grounds of plain error.

**DONE** at Galveston, Texas, this 18th day of January, 2007.

  
\_\_\_\_\_  
John R. Froeschner  
United States Magistrate Judge